

Identifying Arguments

Ratifying the Constitution

Even though the Constitution had been ratified by nine of the thirteen states, making it the “supreme law of the land,” the debate over ratification still raged in the remaining four states. The following are excerpts from the debates in the two largest of these states—Virginia and New York. The first is an excerpt from a speech by Patrick Henry to the Virginia ratifying convention urging rejection of the Constitution. The second comes from *The Federalist Papers*, which first appeared as essays in New York newspapers and were intended by the Federalist authors—Alexander Hamilton, James Madison, and John Jay—to be a persuasive response to Anti-Federalist fears. Read the excerpts and answer the questions that follow.

From Patrick Henry’s speech at the Virginia ratifying convention

It [the plan for government laid out by the Constitution] is fully as radical [as the break from England] if in this transition our rights and privileges are endangered and the sovereignty of the States be relinquished; and cannot we plainly see that this is actually the case? The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises, all pretensions to human rights and privileges, so loudly talked of by some and inconsiderately by others, are rendered insecure, if not lost, by this change. Is this tame relinquishment of rights worthy of freemen? Is it worthy of that manly fortitude that ought to characterize republicans? It is said that eight States have adopted this plan. I declare that if twelve States and a half had adopted it, I would with manly firmness and in spite of an erring world reject it.

From The Federalist Papers

The Constitution will not prove fatal to the State governments, because of the tendency in all confederacies to diminish rather than increase the federal powers. Since the State governments possess more influence among the people, the State employees are more numerous than the national, and the State powers are greater than the national.

The proposed changes consist less in the addition of new powers to the Union than in the invigoration of its old ones. The State and the Federal Governments are only different agents for the people, with different powers and for different purposes. If popular favor should rest on the Federal Government, it would be only because it was better administered. There would be no danger of the Federal Government coercing the people, because of the high impossibility of collecting a force for such a purpose, and, if it should be collected, because of the superior power of the militia to overcome it.

1. Why does Patrick Henry call the plan of the Constitution “radical”?
2. How does the Federalist argument address the Anti-Federalist fear that the states would lose their authority if the Constitution were ratified?
3. How does the author of this Federalist essay respond to the claim that the Constitution would add tremendous power to the federal government?
4. **Synthesis.** Given what you know about the Anti-Federalists’ objections to the Constitution, how might Patrick Henry have proposed to protect the individual rights he mentions?
5. **Evaluation.** The debate over ratification of the Constitution brought out many issues that continue to be major concerns, such as whether the federal government has too much power over the states. In what areas do you think the federal government should have more power than the states? In what areas should the states have more power than the federal government?